(48)

Previous references.

J.F. 149 of 02-03
B Nov 04 : 8-1-2 : Leg 20 of 04.
B Nov 04 : 8-1-3 ; el 2 1-5 of 05

1905.06

File No. 8 of 05

Serial Nos. 1 & 2

(Legislation)

Later references.

Filed Sep 05 : el 2 14 of 05 : 8 to 26.
Leg : 7 & 8-05, SC : 3 to 4, B-Jany 06.

GENERAL AND REVENUE SECRETARIAT.

(19)

Serial Nos. 1 & 2.

Part B. for September 1905

SUBJECT.

Amendment of Sec 8 of the Mysore Legal (Practitioners) Regulation III of 1884.

FILE No. 8 of 1905-06.

Amendment of Section 8 of the Mysore Legal Practitioners' Regulation, III of 1884.

1 From the Registrar of the Chief Court of Mysore, No. 1247-53, dated the 19th August 1905.

Forwards for consideration copy of a memorial from the 2nd grade pleaders of Shimoga, praying that they may be allowed to practise in the small cause side of Sub-Judge's Court, and states that the Judges think that in places where Sub-Judges are invested with small cause jurisdiction, pleaders of the 2nd grade labor under a great disadvantage and that this can be removed by amending Sec. 8 of the above Regulation so as to authorise these pleaders to act and plead in cases tried by the Sub-Judges in small cause side and in cases in which the Munsiffs would ordinarily have jurisdiction.

2 To the Registrar of the Chief Court of Mysore, No. J. 943, dated the 25th September 1905.

States that the Government have again given the question their best consideration and still see no grounds for reconsidering their former decision conveyed in this office No. J. 1399—Legis. 20-2, dated the 30th November 1904.

J. F. 149 of 2-03, B. Nov. 04, Serials 1-2, Leg. F. 20-04.

G. R. S. 58

G. R. S. 11 | 1905.

GENERAL AND REVENUE SECRETARIAT

(Legislation)

NOTES.

File. No 8

FILE HEADING.

Amendment of Rule 8 of the Mysore Legal Practitioners Regulation VII 1884:

From

The Registrar of the Chief Court of Mysore

No. 1242/53 Dated 12/8/05 Received 22/8/05

Diary No. 455 | Enclos. one spare copies. — | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards for consideration copies of a memorial from the 2nd grade pleaders of Shimoga praying that they may be allowed to practise in the Subordinate Court there in the Small Cause side & states that the just noticed that pleaders in places where Subordinate are in vain with Small Cause jurisdiction labour under a great disadvantage & that this may be remedied by amending Rule 8 of the above Regulation so as to authorise these pleaders to plead & act in cases tried by Subordinate judges as Small Cause or in which a Munsiff would, ordinarily have jurisdiction.

NOTES AND ORDERS.

1. The memorial seems to be in advance of the introduction of the Small Cause jurisdiction of the Munsiff of Shimoga.

2. The Chief Court recommending the same amendment in Mysore. The first Notes

Notes First sheet.

MC... 50,000—17-2-05.

G.R.S. 12]

General and Revenue Secretariat.

File No. 8 of 1905

Serial No.

Whether the change was necessary as the Chief Court would not recommend it in future as there was no dearth of legal practitioners with higher qualifications

Subordinates

3. Seen

28.8.05

submitted to the decision whether the Pt Council may be requested to suspend our previous order as it will encourage the more learned of the profession?

25.8.1905

318/29-8-05

5. What is the law in Madras & elsewhere in British India on the subject, & how do the qualifications required of 2nd Grade Pleaders there differ from those of similar Pleaders in Ceylon

To Branch III for report

30/8/05.

31.8.1905

Refers to the rules which are referred to in the note under para 20 of the Regulations as regards the privileges of the 2nd grade Pleaders in Madras, attention is invited to Rule 5 of the rules published by the High Court Madras as regards the qualifications required

K 7

TE—Contd. sheet.

MGCPB—50,000—17-2-06.

G.R.S. 12]

General and Revenue Secretariat.

File No. 8 of 1905

Serial No.

attention is kindly invited to para 12 of the Madras Rules & Rule III of the Mysore rules Rules passed by other governments are not available.

Sec'y

Asst. Secretary
to Government
8.9.1905

374
8-9-1905

7. Our Rules are for licensed 2nd Grade Pleaders than the Madras Rules. But at the same time our 2nd Grade Pleaders cannot claim to possess the same qualifications as the 2nd Grade Pleaders of Madras. This matter was once before & dealt with by the Govt. The 2nd Grade Pleaders affected by the Order then passed were those practicing at Hospet and Chitradurga. And now comes a complaint from Shimoga where a Subordinate Judge's Court has been recently established, & to which has been transferred the whole of the Munsiff's Small Cause jurisdiction. It would further appear that in order to find sufficient work for the Sub Judge and also to relieve

NOTE—Contn. sheet.

MGOPB—50,000—17-2-05

Serial No.

necessary that we should again overrule the Chief Court especially in view of the inconvenience caused to parties whose cases first handled by 2nd Grade Headmen in Municipal Courts have subsequently to be submitted to other Headmen of a higher Grade by reason in consequence of their transfer to Sub Courts – Q

9.–9.05.

S.S.1805 W

85 80 12.9.05

8. I agree with the 1st Collector on the merits of the question but with regard to the delicacy of overruling we must I think adhere to our opinion when we feel convinced that we are right. I would adhere to this decision already communicated – After all after hearing the memorialists in detail we know what is meant by

14.IX.05 Chief.

To I Collector

W 15.9.1905

S Thanks. I agree to the Chief Court being informed that

445 19-9-05.

NOTE—Contn. sheet.

Serial No.

Govt. have again given the question their best consideration & that they are not inclined to reconsider their former decision, & to amend the law in the manner now suggested.

2. Branch TH 20/9/05.

3. for draft

Reasons B 25-9-05

4. 28/9/05.

11 Draft sent to Secy) 1/10/05

10/10/05

12. Passed & submitted to the Hon'ble Member for info. 2-10-1905

2 Do. the Registrar of the Chief Court's Memo No. J 543/Reg. 8-2 of the 28th Sept 1905.

States that the Government have again given the question their best consideration and see no good reason for reconsideration of their former decision conveyed in their letter No. J/1355 Reg. 202 of the 20th August 1905.

MGCPB—50,000-17-2-0

N 1247 Jud. 1
53

Ly 78-05-1

1 J 455

Bangalore 19th August 1905.

From,

V. A. Rajarathna Mudeliar Esquire
Registrar, Chief Court of Mysore

To,

B. K. Venkataramanjar Esquire,
Secretary to the Government of Mysore
General and Revenue Depts.

III Courts
Ord. 1905

Sir,

I am directed to forward for the consideration of Government copy of a Memorial addressed to this Court by the 2nd Grade Pleaders of Shimoga praying that they may be allowed to practice in the Subordinate Judges' Courts on the Small Cause side. The Judges are of opinion that in places where Sub Judges are invested with Small Cause jurisdiction Pleaders of the 2nd grade labour under a peculiar disadvantage and it works very hardly on those who have long been settled in those places. The hardship can be removed if

Government

Government are pleased to amend section 8 of the Mypone Legal Practitioners Regulation as proposed in this Office letter No 2559/143 dated 5 November 1904 Leg 2104/04-8/1 disposed of by your No 1399+ dated Leg: 20-2 H S 30 Idem

I have the honor to be,

Sir,

Your most Obedient Servant.

Registrar

Resident

Honorable The Chief Judge
and
Judges of Honorable the Chief Court
of Mysore. Bangalore.

May it please your Honors

We, the undersigned Second grade pleaders of Shimoga most respectfully beg to submit as follows

We are given to understand that it is under contemplation to take away the Small Cause jurisdiction of the Munsiff of Shimoga, and tack it on to the Shimoga Sub Judge. This proposal, if carried into effect will cause serious loss to second grade pleaders. Accordingly, we beg to avail ourselves of this timely opportunity to submit for favorable consideration our grievances through this humble memorial, and pray for our being allowed to practice in the Sub Court in all the Small

Small Cause Cases, that will have to be filed in that Court, if the proposed Change be brought into force

We further beg to state, that in the Madras Presidency the second grade pleaders are allowed to practise in the subordinate Judges' Courts, and conduct cases of the Small Cause nature of the value upto Rs. 5000/. In Bombay there is no distinction observed between pleaders practising in the Mofussil Courts. The Pleaders Test in Guzerat is not in any way inferior to the Tests obtaining in those Presidencies. On consideration of the Rules in force on the subject in the several British Indian Provinces we pray that a Rule may be piped revising the status of the second grade pleaders of this State also, and thus afford them greater facilities and convenience

It may be mentioned here that the work

G.R.S. 26]

File No. 8

Serial No 2

Diary No. of letter replied to _____

No. J 943/C:8-2

General and Rev. Secretariat
(Legislative)
, *the* 25/9/ 1905.

To

The Registrar of the Chief Court of Mysore.

Date of issue 25/9/05

Signed by M.V. K.S. Chamba Sekhara Aiyar

Sir,

I am directed to acknowledge the receipt of your letter No. 1207/53 of the 7th August 1905, requesting the amendment of Sec 8 of the Mysore Legal Practitioners Regulation III of 1884, so as to authorize 2nd grade pleaders to practice in Civil ~~cases tried by~~ the Sub. Judge's Court on the Small Cause side. ~~in cases in which a Munsiff would ordinarily have jurisdiction~~

2. In reply, I am to state that the Government have appointed

over.

SUBJECT.

given the question their best
Consideration and that they still see no
good reason for
unable to reconsider their
former decision conveyed in this
office No. 4/1393/Reg 20-2 dated
30th November 1904. and to
amending the law in the manner
now suggested.

I have the

BK
22-9-1905

21-9-05 Secretary.

MG
21/9/05

List of enclosures,

MGCPB—20,000-19-12—04.